

A Michigan Department of Education

State Manual

To assist school districts in their work with
English Language Learners
(limited English proficient students)



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A. INTRODUCTION

It is the position of the Michigan Department of Education that English Language Learners (ELL), also known as students of limited English proficiency (LEP), can achieve levels of academic performance comparable to those of the general English speaking population, and that it is the responsibility of local school districts to provide appropriate instructional services to ensure that these students are not deprived of the opportunity to learn content matter while they also gain proficiency in English.

Options for meeting the obligation to provide appropriate instructional services to ELL/LEP students include English as a Second Language (ESL) programs, Bilingual Education programs, or both. ESL programs use only the English language to help ELL/LEP students become proficient in English. Usually, it is the most practical approach when there are small numbers of speakers from a wide variety of languages.

Bilingual Education is the use of two languages, the home language and English, to help ELL/LEP students become proficient in English. Often, it is the best choice when there are large numbers of speakers of one language. A well designed instructional program, using the student's native language to varying degrees, can be very effective in promoting English proficiency and subject area competence.

School districts and schools with large numbers of ELL/LEP students generally employ both ESL and Bilingual Education to assist their students, and engage parents and community. Such programs may include ESL classes for adult family members through Adult Education.

Guidance on selecting and implementing appropriate programs is found in the Office for Civil Rights document, Programs for English Language Learners, which is available on the U. S. Department of Education (USDOE) website at: <http://www.ed.gov/offices/OCR/ELL/>. This document is also available from the Office of Field Services website under English Language Learner Programs: Resource Materials.

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B. LEGAL REQUIREMENTS

1. Title VI of the Civil Rights Act of 1964

The Office for Civil Rights (OCR) within the USDOE has responsibility for enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs and activities that receive federal financial assistance.

Title VI of the Civil Rights Act of 1964 states that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

Under the USDOE's Title VI regulations (34 C.F.R., Part 100), practices of discrimination which are prohibited, when based on race, color, or national origin, include:

- providing services, financial aid, or other benefits that are provided in a different manner;
- restricting an individual's enjoyment of an advantage or privilege enjoyed by others;
- denying an individual the right to participate in federally assisted programs; and
- defeating or substantially impairing the objectives of federally assisted programs.

These Title VI regulatory requirements have been interpreted to prohibit denial of equal access to education because of a student's limited proficiency in English. Thus, Title VI protects those students who are limited in their English language skills such that they are unable to participate in, or benefit from, regular or special education school instructional programs. (Office for Civil Rights, The Provision of an Equal Education Opportunity to Limited English Proficient Students, December, 1992, pp. 2-3).

The document, Programs for English Language Learners: Resource Materials for Planning and Self-Assessment, is available on-line from the Office of Civil Rights (OCR) within the U.S. Department of Education at: <http://www.ed.gov/offices/OCR/ELL/>.

2. Supreme Court Decision

Justice Douglas, in the opinion which he delivered for the United States Supreme Court in the landmark case of *Lau v Nichols*, 414 U.S. 563, stated:

“There is no equality of treatment merely by providing students with the same

facilities, textbooks, teachers and curriculum – for students who do not understand English are effectively foreclosed from any meaningful education.”

“Where inability to speak and understand the English language excludes national origin minority groups from effective participation in the educational programs offered by a school district, the district must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.”

“Basic English skills are at the very core of what the schools teach.”

“Imposition of a requirement that before a child can effectively participate in the educational program, he must have already acquired those basic skills (referring to English skills) is to make mockery of public education.”

The Supreme Court decision in the case of *Lau v Nichols* is the most significant legal statement on the educational rights of limited English speaking students in the United States. Receiving unanimous support, the Lau Decision has served as a cornerstone nationwide for the development of bilingual education and other special educational services to allow the country’s linguistically different children an equal access to quality education. Information regarding the Lau Decision can be obtained from the U.S. Department of Education website at: www.ed.gov/offices/OCR/ELL/lau.html

3. Three Principles for ELL Programs

First Principle: Selecting the Educational Approach

It is the prerogative of each district to select a specific educational approach to meet the needs of its particular ELL student population. A district may use any educational approach that is recognized as sound by some experts in the field, or an approach that is recognized as a legitimate educational strategy.

Regardless of the educational approach selected by the district, in assessing compliance with Title VI, a twofold inquiry applies: (1) whether the approach provides for English language development; and (2) whether the approach provides for meaningful participation of ELL students in the district's educational program. School districts can develop their own specific program goals. Whether or not such goals are formally developed, the Office of Civil Rights requires the program to meet the twofold requirements of Title VI.

Second Principle: Implementing the Educational Program

Once a district has selected an educational approach, it needs to provide the necessary resources to implement the program. The variations in programs implemented by districts may be as diverse as the

populations served by those districts.

Feedback from districts that have implemented successful programs indicates the need to describe and document the educational approach in a written plan so that staff, administrators, and parents understand how the program works.

Third Principle: Evaluating the Educational Program

Under federal law, adopting an ELL program with a sound education design is not sufficient if the program as implemented proves ineffective. As a result, a central element of satisfying Title VI requirements regarding services for ELL students is an ongoing evaluation of a district's ELL program.

- Is the program working?
- Are ELL students gaining the proficiency in English that will enable them to participate meaningfully in the district's education program?

If a program is not working effectively, a school district is responsible for making appropriate program adjustments or changes. This requirement is based on the obligation arising from Title VI for a school district to provide ELL students with meaningful opportunities to participate in its educational program.

C. ORGANIZING AN ELL PROGRAM

1. Program Goals

Developing goals should flow from the educational approach that has been selected for serving ELL students. It should relate back to what experts in the field have identified as successful results under the approach the district has selected. The fundamental Title VI requirement is that ELL students have meaningful access to the district's educational program. ELL goals should relate to the goals for students throughout the district.

For example, if the ELL program uses the Natural Approach to Second Language Acquisition (Krashen & Terrell, 1983) the goals would be:

- a. Basic personal communication skills—Oral
 - Listen to a conversation between other speakers.
 - Listen to announcements in public places.
 - Listen to radio, TV, movies, and music.
 - Participate in a conversation with one or more speakers.
 - Request information in public places.

- b. Basic personal communication skills—Written
 - Read and write notes to friends or others.
 - Read signs, including instructions.
 - Read ads in windows, magazines, and newspapers.
 - Read and fill-out forms.
 - Read and write personal letters.
 - Read for pleasure.
- c. Academic learning skills—Oral
 - Listen to a lecture.
 - Listen to a film or video with academic content.
 - Listen to and participate in classroom discussions and panels.
 - Present a class report.
- d. Academic learning skills—Written
 - Read textbooks.
 - Read and discuss literature.
 - Take notes in class.
 - Study for and take an exam.
 - Write reports and essays.

Effective goals indicate to whom they apply, what level of performance is expected, when the performance level should be attained, and how success will be measured. ELL goals address both English language development and subject matter instruction. The district may also choose to have goals in such areas as staff development, curriculum development, and parent involvement.

2. Program Plan

To be effective, an ELL plan should be comprehensive. It should address each aspect of the district's program for all ELL students, at all grade levels, and at all schools in the district. The plan should have enough detail so that each staff person can understand how it will be implemented and it should contain procedural guidance and forms for the staff to carry out their responsibilities. Does your plan answer the following questions:

- Who is responsible for each step in the plan?
- When will each step in the plan be completed?
- What standards and criteria are to be applied to the step?
- How will the district document implementation of the step?

Many districts have found that it is useful, when developing or revising an ELL program, to establish a

committee or work group that includes administrators, teachers (both ELL program teachers and regular classroom teachers), educational assistants, school counselors, and other staff who work with the district's ELL student population. If federal funds are used to support the program, the district must include ELL parents in program planning and evaluation. By working with a group that includes these stakeholders, the district can receive more comprehensive input from those whose support and efforts are important to the success of the district's ELL program. Inclusive approaches in program design and development tend to promote overall community awareness and support. In addition, these individuals will be valuable resources to draw upon during program evaluation and program improvement activities.

The questions in the ELL Plan Outline are organized around key components of a comprehensive plan:

- the district's educational theory and goals for its program of services;
- the district's methods for identifying and assessing the students to be included in the district's ELL program;
- the specific components of the district's program of English language development and academic services for ELL students;
- the specific staffing and other resources to be provided to ELL students under the district's ELL program;
- the district's method and procedures for transitioning and/or exiting students from its ELL program, and for monitoring their success afterward; and
- the district's method for evaluating the effectiveness of its program for ELL students.

The ELL plan outline on the following pages illustrates one method of organizing and presenting a school district's program of services for ELL students. Each district may choose to organize its own ELL plan differently. Regardless of the format selected, we believe careful consideration should be given to whether the plan is sufficiently detailed to answer the questions set forth in each section of the ELL plan outline.

a. Identification of Potential ELL Students

This section describes the district's procedures for identifying students enrolled in the district who may be ELL. The following questions may be used in preparing this section of the plan:

- Does the plan contain a detailed description of the district's procedures for identifying potential ELL students?
- Are the procedures designed to ensure that all students potentially needing ELL services are identified for assessment?
- Is the person(s) responsible for each step in the identification procedures specified in the plan? (*For example, the school secretary may be responsible for distributing and collecting home language surveys during enrollment, and the school principal may be responsible for forwarding the surveys to the district's English language assessment specialist.*)
- Are the timeframes for each step in the identification procedures set forth in the plan? (*For example,*

completed home language surveys will be forwarded to the English language assessment specialist within ____ school days of a student's enrollment in the district. Surveys will be evaluated within ____ school days.)

- If the district's identification procedures require participation by staff with special skills, such as an interpreter to communicate with ELL parents or students during the enrollment process, does the plan describe how this special staff person is integrated into the identification process?
- Does the ELL plan contain a statement of how the district will maintain documentation of the following: the identification results; determination of the potential ELL status of students; and referrals of such students for language proficiency assessment?

b. Assessment of the Need for ELL Services

This section describes the district's procedures for assessing potential ELL students to determine which students are in need of a program of services to participate meaningfully in the district's regular instructional program. In drafting this section of the plan, the following questions may be used to ensure that key points are addressed:

- Does the ELL plan contain a detailed description of the district's procedures for assessing potential ELL students?
- Are the assessment procedures designed so that all students identified as potentially needing ELL services will be evaluated for English language proficiency?
- Do the assessment procedures include a description of all skill areas to be assessed and measured consistent with the educational approach and program model being utilized by the district? (*For example, do the assessment procedures cover all aspects of English language proficiency that could affect a student's ability to participate meaningfully in the regular curriculum--does the assessment address speaking, reading, writing, and understanding?*)
- Does the description of the assessment procedures include a statement of the instruments and methods (e.g., tests, past academic records, teacher observations, etc.) used to assess students' English language abilities and academic level?
- Are the guidelines and criteria for the use of each instrument used in the assessment? (*example, if a commercial English language proficiency test is utilized, has the district followed the test publisher's guidelines for use of the test?*)
- Are appropriate timeframes established for each step of the assessment process? Are the timeframes reflected in the ELL plan?
- Does the description identify the person(s) responsible for assessing each student and any special abilities, skills, and training that individual(s) may need to conduct the assessments?
- Does the description include a statement of the criteria (e.g., test scores, or other information) that will determine whether a student is ELL and in need of a program of services to participate meaningfully in the district's regular instructional program? Do the criteria include an objective measure(s)?
- Does the plan describe the interrelationship and weight accorded to the criteria (e.g., test scores and

teacher observation) that the district uses to classify a student as ELL?

- Does the ELL plan contain a statement of how the district will maintain documentation of the assessment results and its decision regarding whether students are ELL?
- Does the plan note where such records are kept and by whom?
- Are procedures included for appropriate parental notification and input?

c. Program of Services for ELL Students

The information discussed in this section pertains to the educational model and program selected by the district. Following are questions that may be useful in developing a plan that addresses, in a comprehensive manner, the methods to be used in providing ELL students appropriate English language development services, as well as services to enable the students to benefit from the district's academic and special programs.

- Are the district's programs and services, as described in this section, consistent with the selected educational approach (*e.g., ESL, structured immersion, transitional bilingual education, dual language, etc.*)?
- Does the description of the program of services for ELL students reflect:
 - The methods and the services the district will use to teach ELL students English language skills (*i.e., speaking, understanding, reading, and writing of English*)?
 - The methods and the services the district will use to ensure that ELL students can meaningfully participate in the academic and special programs (*e.g., history, science, social studies, music, vocational education, etc.*) offered by the district?
- Does the description of the delivery of services to ELL students reflect how and where the English language development services will be delivered? (For example, are language development services delivered through a pullout program, within a self-contained program, or within the regular classroom?)
- If ELL students are in the regular classroom for academic subjects (history, science, etc.), how will the ELL students be able to participate in these academic subjects? (*For example, will the district provide training for teachers and/or provide support staff or services such as translators, so that the ELL students can effectively participate in classroom activities and comprehend the academic material being presented?*)

The district's program of services under its ELL plan may have the effect of separating students who are ELL from non-ELL students during at least part of the school day. However, the program design should not separate ELL students beyond the extent necessary to achieve the goals of the district's program of services. Additionally, ELL students should be provided services in comparable facilities to those in which non-ELL students receive services.

- Are guidelines and standards included for providing ELL students each of the services in the district's

ELL program?

- Does the plan identify the person(s) responsible for providing services to ELL students?
- Does the plan include standards and criteria for the amount and type of services to be provided? Does it include a process to decide the appropriate amount and type of services to be provided?
- If there are any variations in the district's program of services between schools and grade levels, are the variations described?
- Are procedures included for notification to parents of newly enrolled students, in a language that the parents understand, of the availability and type of program of services and other options for ELL students?
- Are provisions made for language appropriate notice to the parents of ELL students regarding school activities that are communicated to other parents (*e.g., student progress reports, school schedules, information provided in student handbooks, extracurricular activities, special meetings and events such as PTA meetings and fund raising events, etc.*)?
- Are the notification procedures sufficient so that the parents can make well-informed educational decisions about the participation of their children in the district's ELL program and other service options that are provided to parents?

OCR Policy: Many districts design their ELL programs to temporarily emphasize English over other subjects. While schools with such programs may discontinue special instruction in English once ELL students become English-proficient, schools retain an obligation to provide assistance necessary to remedy academic deficits that may have occurred in other subjects while the student was focusing on learning English.

3. Staffing and Resources

Resource descriptions may include items such as instructional staffing (including teaching assistants), instructional equipment and materials, etc.

- Does the description identify the number and categories of instructional staff determined appropriate to implement the district's program of services (*e.g., qualified teachers, interpreters, translators, teaching assistants, and other categories of support staff*)? (*For example, what has the district determined to be the appropriate student-teacher and student-support staff ratio to provide services consistent with program objectives.*) Programs for Bilingual Education Endorsements are described on page 37. There are many colleges and universities that offer degree and non-degree programs in English as a Second Language, but only some of them have Approved ESL Endorsement Programs. These are:

<p>Approved ESL Endorsement Programs at Michigan Colleges & Universities</p>

Aquinas College
Calvin College
Cornerstone University
Eastern Michigan University
Grand Valley State University
Madonna University
Saginaw Valley State University
Wayne State University

- Does the description state the qualifications for instructional staff assigned to implement the program of services? *(For example, teachers need to have the educational expertise, consistent with state and local standards, to meet the goals of the ELL program model. If they are responsible for subject matter instruction as well as English language development, they need to be qualified in both areas of responsibility.)*
- Does the description state the methods and criteria the district will utilize to ensure that staff are qualified to provide the services to ELL students under the district's ELL program? *(For example, if the program requires Spanish-speaking bilingual assistants, how will the district ensure that the assistants are fluent in Spanish?)*
- If circumstances beyond the control of the district necessitate temporary use of staff that do not meet the established qualification standards in order to implement its alternative program of services to ELL students, does the plan address the following:
 - What are the training needs *(i.e., in-service training and formal college course work)* of current staff?
 - What is the amount, type, and schedule of training that will be provided to staff?
 - What steps will be taken by the district to recruit and hire qualified staff for its ELL program?
 - What is the schedule for having fully qualified staff in place, and how will the district ensure appropriate services are provided during the period of staff development?
 - What materials and resources, such as specialized books and equipment, are needed to fully implement its ELL program?
 - If the district does not currently have all the resources necessary to implement its program of services for ELL students, what is the schedule or plan for obtaining such resources?
 - Does the ELL plan describe how a review of resources needed for the district's program of services for ELL students will be accomplished on an ongoing basis?

4. Transition from ELL Services and Monitoring Performance

This section addresses the procedures and criteria for determining when students no longer need ELL services

and methods that the district will use to monitor the success of students after ELL services have been discontinued. The following are questions that may be used as a checklist in developing a description of the transition procedures:

a. Transition from ELL Services

- Does the plan describe all assessment instruments and procedures (*e.g., tests, teacher observations, etc.*) used as part of a transition assessment?
- Are the guidelines and criteria for the use of assessment information included in the procedures?
- Do the transition procedures describe how the district will assess the English language skills of ELL students in the following four proficiency areas: understanding, speaking, reading, and writing?
- Do the transition procedures describe the methods and standards that will be used to assess whether students who have been receiving ELL services have progressed to the point that such services are no longer needed to enable the students to participate meaningfully in the district's regular program?
- Do the transition procedures identify the person(s) who will conduct the transition assessments and any qualifications the person(s) must meet to conduct the assessments?
- Are the timeframes for implementing the transition assessment procedures described?
- Do the procedures include a statement of the criteria (*e.g., test scores or other performance standards, teacher observation, etc.*) that will determine when a student is English language-proficient and no longer in need of the district's program of services for ELL students?
- Do the criteria include an objective measure(s)?
- How is the objective measure weighted in comparison with other measures? If the objective measure is a test, is the test valid for the purpose for which it is being used?
- Do the procedures include a description of the documentation that will be maintained on the assessment results (*e.g., continued need for services*) and the decision whether to transition the student from the district's alternative program of services?

b. Monitoring the Success of Former ELL Students

- Does the plan identify the staff person(s) who will be responsible for monitoring former ELL students?
- Does the plan establish guidelines for how often the district will monitor former ELL students (*e.g., quarterly, each semester*)? How long will the district monitor such students?
- Does the plan identify the information the district will review to measure whether individual former ELL students are successful in the district's overall educational program (*e.g., grades, test scores, teacher observations, etc.*)?
- Does the plan include the methods or criteria the district will utilize to measure success of former ELL students in the district's education program? (*For example, the district may review the grades, testing results, teacher feedback, or other appropriate information to determine whether or not a former ELL student has meaningful access to the district's education program.*)

- If a former ELL student, under the district's criteria, is not successful in the district's regular program, does the plan indicate:
 - How the district will determine whether a lack of success is due to academic deficits incurred while the student was receiving ELL services, the lack of English language proficiency, or other reasons?
 - If the lack of success is due to academic deficits incurred while the student was receiving ELL services or the lack of English language proficiency, do the procedures set forth the methods to be used and/or services the district will provide to assist the student? *(For example, depending upon the reason for the individual student's lack of success, the district may consider approaches such as: providing additional services to develop English language skills, or providing academic tutorial or support services to address academic deficiencies incurred while the student was receiving ELL services.)*
- Does the plan include appropriate notification procedures to inform parents of service options?

5. ELL Students and Other District Programs

This section addresses equal access for ELL students to the full range of district programs, including special education, Title I, at-risk, gifted and talented programs, and nonacademic and extracurricular activities.

- Does the plan ensure that staff are aware of the district's policy regarding equal opportunities for ELL students to participate in the range of programs made available to students generally?
- Does the district have, or know where to obtain, any tests or assessment materials needed to determine ELL students' eligibility for special programs, including special education, Title I, and gifted and talented?
- Do the methods used by the district to notify parents and students of available programs and activities take into account language barriers?
- What methods or steps are taken to ensure that ELL students have an equal opportunity to participate in extracurricular and nonacademic activities?

6. Program Evaluation, Review, and Improvement

This section offers examples of approaches that may be used by school districts to assess their programs to determine whether they are working as planned and for determining whether changes or revisions to the program are needed.

The following information is provided to assist districts in identifying methods and approaches for evaluating their programs. Districts are encouraged to review the literature on this topic and to develop approaches to evaluating their ELL programs consistent with their respective program designs and individual needs and

circumstances.

Because federal law does not prescribe a particular program model or evaluation approach, the approach to, and design of, an effective ELL program evaluation will vary from district to district. The evaluation components set forth below are provided as examples for districts to consider in developing their own approach.

OCR POLICY: Districts are required to modify their programs if they prove to be unsuccessful after a legitimate trial. As a practical matter, recipients cannot comply with this requirement without periodically evaluating their programs.

a. Evaluation Elements

Alignment with Goals: Does the evaluation focus on overall as well as specific program goals? Do the goals address expected progress in English language development and subject matter instruction?

Comprehensive Scope: Does the evaluation cover all elements of an ELL program, including: Program implementation practices and student?

Information Collection Methods:

- Do information collection practices support a valid and objective appraisal of program success?
- Is the use of observational information as well as a review of records considered?
- Is appropriate data maintained so that the success of district programs can be measured in terms of student performance?
- Is the data organized and arrayed in a manner that enables the district to evaluate student performance outcomes over time and to follow the performance of students after they have transitioned from ELL programs?

Review of Results: Does the evaluation process result in sufficient information to enable the district to determine whether the program is working, and to identify any program implementation or student outcome concerns that require improvement?

Plan for Modification/Improvement:

- Has a process been established for designing and implementing program modifications in response to concerns identified through the evaluation process?
- Does this process take into account information provided by all stake-holders?

Implementing Program Changes: Are modifications implemented promptly?

Ongoing Review: Is the program evaluation ongoing and sufficiently frequent to allow the district to promptly

identify and address concerns with the district's ELL program?

b. Program Implementation Information

Following are questions to consider in collecting and maintaining information needed to determine whether all aspects of the district's ELL program are being evaluated.

- Does the evaluation cover all procedural and service provision requirements set forth in the district's ELL plan, including:
 - the identification process?
 - the student assessment process?
 - the provision of program services to all students with identified needs?
 - the provision of staff and resources consistent with program design?
 - following established criteria for transitioning students from ELL program services?
 - the implementation of monitoring practices for students who have transitioned from ELL program services?
- Is the information collected on each ELL program element assessed with reference to the specific requirements of the district's ELL plan? *(For example, when looking at the process for identifying potential ELL students, does the evaluation determine whether the district has followed the established plan for identifying potential ELL students, referral for English language assessment, and criteria for transitioning and/or exiting from ELL services?)*
- Does the evaluation determine whether staff have followed applicable procedural and service requirements, including frequency, timeliness, and documentation?
- Do information sources and methods for gathering information to evaluate whether the program is being implemented as planned include, among others, the following examples:
 - file and records reviews?
 - staff interviews and surveys?
 - input from parents, student surveys, or focus group meetings?
 - grievances or complaints made to the district regarding program implementation or service delivery?

c. Student Performance Information

Following are questions that may be considered in evaluating the success of ELL programs in meeting English language development goals:

English Language Development

- Are students acquiring English language skills at a pace that is consistent with ELL program goals or expectations?
- Is the rate of language development progress compatible with the district's objectives for academic progress?

English language Proficiency

- How are ELL students performing in English language skills compared to the district's goals and standards?
- Are ELL students progressing in English language skills so they will be able to successfully handle regular coursework?
- Do former ELL students who no longer receive English language development services continue to demonstrate English language skills that enable them to successfully handle regular coursework?

Note: Information collection sources may include:

- performance on standardized achievement tests;
- standardized language proficiency tests;
- English oral, reading, and written skills as demonstrated by grades in language development courses;
- year-to-year test scores;
- teacher observation;
- parental observations and feedback;
- records on length of time from entry to transition and/or exit from program;
- grades in core classes; and
- graduation rates.

Longitudinal data can be useful in evaluating overall language development of ELL students.

Disaggregation of data by students who are currently in the program and those who formerly received services but who have been determined to no longer need services may be particularly useful.

Academic Performance

This area addresses whether ELL students are demonstrating progress in academic content. Are they learning course content in addition to English language development? Once they have completed ELL program services, are they able to participate meaningfully in the mainstream curriculum? The following are considerations that may be appropriate in evaluating program success in the area of academic performance:

Rate of Academic Progress

- Are ELL students who are currently receiving English language development services progressing academically relative to program goals or expectations?
- Depending upon the district's goals and educational model (*concurrent or sequential*), are ELL students making sufficient academic progress so that they are either at academic grade level or will be able to "catch up" academically after English language development services have been discontinued?

Comparison to Other Students

- How are ELL and former ELL students doing, over time, as compared to the academic performance of all other students generally?
- Are multiple measures used to assess the overall performance of ELL students in meeting the goals the district has established for its ELL program?

Note: Information collection sources may include a review of grades, standardized achievement tests, state competency standards, meeting promotion and graduation requirements, parent/teacher feedback. Most of the data needed should already be available in the district's records for students generally. Are data collection systems maintained to effectively support this portion of the evaluation? Are data systems maintained that permit ELL and former ELL students to be compared to the population generally? Examples of measures that districts have used to evaluate the success of their ELL programs:

- state tests (*e.g., achievement tests, and state and local school reform goals*);
- standardized tests, including norm-referenced examinations and criterion-referenced tests;
- teacher observation measures and checklists;
- portfolios;
- grade-point averages;
- graduation/promotion rates;
- inclusion of ELL students in gifted and talented, and other special programs;
- participation in extra-curricular activities;
- drop-out rates; and
- measures related to meeting state or local school reform goals.

d. Analyzing the Information and Identifying Areas for Improvement

This section provides information on analyzing the data collected and describes steps to consider in developing an action plan to address the findings. For illustration purposes, the information is organized into three areas discussed below:

i. Review of Results: Findings and Conclusions

Following are questions that may be considered with respect to compiling, organizing, and summarizing the information collected for each area where the district is not meeting the educational goals it established.

- Is each identified area of concern evaluated to determine why it arose and how it is interfering with program objectives?
- Were adequate resources allocated to the area of concern?
- Were responsible staff adequately trained with respect to their responsibilities?
- Were goals and expectations realistic? Were goals and other program expectations adequately communicated?
- Does the concern suggest the need to take another look at some aspect of the program design?
- Are there any contributing factors, explanations, or reasons for each area of concern?

It may be convenient to organize a written summary of three basic components:

- Goal or Standard -- describe program goal or standard where a concern has been identified.
- Actual Outcome -- describe what the evaluation demonstrated, with respect to shortcomings, in achieving the desired goal or standard.
- Contributing Factors -- describe factors and circumstances that may have influenced the goal or

standard--why was it not as expected?

ii. Planning and Designing Modifications and Improvements

The following questions relate to planning and designing corrective measures or improvements tailored to address the specific concerns identified, while promoting the overall success of the program:

- Has a description of the changes been developed? (*e.g., What procedural and program modifications will be undertaken? Who is expected to be responsible for what? When will the changes be implemented?*)
- Has a description of the rationale and objective(s) been developed? (*e.g. What are the changes expected to accomplish? How will success be measured?*)

iii. Implementing Program Changes

Once the planned modifications are developed, they can be put in place. Questions about implementation procedures may include:

- Have all stakeholders (*responsible and interested parties*) been notified of any program changes?
- Has necessary training been identified? Have appropriate steps been put in place so that responsible persons understand expectations and are prepared to implement the changes as planned?

To facilitate the success of the program improvement process, you may wish to consider the following questions:

- Staff Responsibilities: Have staff members been assigned specific responsibility for activities? Have the assigned staff members been granted appropriate authority and been provided directions describing responsibilities and expected outcomes?
- Establishing Schedules: Has a schedule of due dates been established for key events, action steps, and expectations? Does the schedule provide for prompt actions to afford equal educational opportunities to ELL students?
- Appropriate Follow-up: Has an approach been established to ensure that the process moves forward as expected? Has a person been designated with overall responsibility for the process to ensure its effective implementation?

Reminder

Students must be provided with services until they are proficient enough in English to participate meaningfully in the district's overall education program.

D. GRANT PROGRAMS

1.Title III Limited English Proficient (LEP) Program

On January 8, 2002, the President signed into law the No Child Left Behind Act (NCLB), which amended the Elementary and Secondary Education Act and consolidated the discretionary Bilingual Education Program and the Emergency Immigrant Education Program into the new Title III State Formula Grant Program. The purpose of Title III is to ensure that LEP students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Schools use these funds to implement language instruction educational programs designed to help LEP students achieve these standards. State educational agencies (SEAs), local educational agencies (LEAs), and schools are accountable for increasing the English proficiency and core academic content knowledge of LEP students.

What achievement standards apply to LEP students?

States, LEAs, and schools are required to hold LEP students to the same State academic content and academic achievement standards established for all children.

Who is responsible for providing direct services to LEP students?

LEAs and schools are responsible for providing a language instruction educational program that increases the English proficiency and academic achievement of LEP students.

How will grants be distributed to provide services to LEP students?

The U.S. Department of Education distributes the funds by formula to SEAs. SEAs make subgrants to LEAs.

Do LEAs and SEAs have the authority to select which language instruction educational program to implement?

An LEA may select one or more methods of instruction – consistent with the requirements of State law – to be used in assisting LEP students to attain English proficiency and meet State content and student academic achievement standards. However, the language instruction curriculum used must be tied to scientifically based research on teaching LEP students and must have demonstrated effectiveness.

What are the responsibilities of the SEA under Title III?

The responsibilities of the SEA are to:

- Make subgrants to LEAs and hold them accountable for complying with program requirements;
- Establish annual measurable achievement objectives for LEP students;
- Provide technical assistance to subgrantees in implementing Title III program services;
- Collect and synthesize data on the effectiveness of services and activities;
- Report every two years to the Department on the effectiveness of the services in improving the education of LEP children; and
- Coordinate with related programs.

Do States make subgrants to LEAs on a competitive basis or are they made by formula?

States make section 3114(a) subgrants to LEAs on a formula basis. Allocations to LEAs are based on the number of limited English proficient students enrolled by the LEA.

What is the State's responsibility in implementing the requirement that LEAs certify that all teachers in language instruction educational programs for LEP students are fluent in English and any other language used by that program, including written and oral communication skills?

States must ensure that LEAs certify, as part of their application for funds under this program, that all teachers in language instruction educational programs for LEP students are fluent in English and any other language used by that program, including written and oral communication skills.

What are the purposes of Title III LEP subgrants to LEAs?

Title III LEP subgrants support the efforts of LEAs to assist limited English proficient students to learn English and meet challenging State academic content and student academic achievement standards. LEAs must use Title III subgrants to carry out activities that use approaches and methodologies that are based on scientifically based research on teaching limited English proficient children and immigrant children for any or all of the following purposes:

1. Enhance existing LEP instructional programs.
2. Support new LEP instructional programs.
3. Support professional development for specialized staff (ESL, Bilingual) or for classroom teachers and other staff work with LEP students.
4. Support school improvement, reform, or restructuring at the building level related to the education of LEP students.
5. Support school improvement, reform, or restructuring at the district level related to the education of LEP students.

What entities are eligible to apply to an SEA for a Title III LEP subgrant?

LEAs may apply on their own or jointly with other LEAs. In addition, an individual LEA or a group of LEAs may apply in collaboration with a college or university, community-based organization, or a State educational agency. However, LEAs are the lead applicants for a subgrant in all cases and may, if they choose, include collaborative activities with colleges and universities and community-based organizations in their applications.

How does an LEA apply for a Title III LEP subgrant?

An LEA, ISD, or PSA may apply for a Title III LEP subgrant using the MEGS system. A local plan is required once during the authorization period (6 years). The applicant must submit an LEP count, a plan, and budget information.

What must an LEA include in its application?

The statute requires an LEA to submit an application to the SEA that describes:

1. The programs and activities that will be developed, implemented and administered;
2. How the LEA will use the funds to meet all the annual measurable achievement objectives;
3. How the LEA will hold elementary schools and secondary schools accountable for:
 - (A) meeting the annual measurable achievement objectives;
 - (B) making adequate yearly progress for LEP students; and
 - (C) annually measuring the English proficiency of LEP students so that children served by the programs develop proficiency in English while meeting State academic content and student academic achievement standards;
4. How the LEA will promote parental and community participation in programs for LEP students;
5. How language instruction educational programs will ensure that LEP students develop English proficiency.

What assurances and certifications must an LEA include in the local plan or application?

The LEA must provide the following assurances and certifications in its application:

1. Compliance with parental notification specified in section 3302 of the statute.
2. Annual assessment of English proficiency of LEP students.
3. That the proposed plan is based on scientifically based research on teaching LEP children.
4. That programs will enable children to speak, read, write, and comprehend the English language and meet challenging State academic content and student academic achievement standards.
5. That the LEA is not in violation of any State law, including State constitutional law, regarding the education of LEP children.

6. That the LEA consulted with teachers, researchers, school administrators, and parents, and, if appropriate, with institutions of higher education and education-related community groups and nonprofit organizations, in developing the plan.
7. That all teachers in any language instruction educational program that is or will be funded under Title III are fluent in English and any other language used for instruction, including having written and oral communication skills.

What professional development activities must LEAs receiving section 3114(a) subgrants provide for teachers, administrators, and others involved in language instruction educational programs?

LEAs are required to provide high quality professional development to classroom teachers (*including teachers in classroom settings that are not the setting of language instruction educational programs*), principals, administrators, and other school or community-based organizational personnel that is:

- Designed to improve the instruction and assessment of LEP students;
- Designed to enhance the ability of such teachers to understand and use curricula, assessment measures, and instruction strategies for LEP children;
- Based on scientifically based research demonstrating the effectiveness of the professional development in increasing children's English proficiency, or substantially increasing the subject matter knowledge, teaching knowledge, and teaching skills of teachers;
- Of sufficient intensity and duration to have a positive and lasting impact on the teachers' performance in the classroom (*excluding activities such as one-day or short-term workshops and conferences unless the activity is a component of an established comprehensive professional development program for an individual teacher*).

What are the evaluation requirements for an LEA that receives a Title III LEP subgrant?

An LEA that receives a Title III subgrant must provide to the SEA an evaluation at the end of every second fiscal year as prescribed by the SEA. The SEA and LEA must use the evaluation to improve programs and activities and to determine the effectiveness of the programs and activities in helping LEP students attain English proficiency and meet the same challenging State academic content and student achievement standards as all other students are expected to meet.

What information must an LEA include in its biennial evaluation report to the SEA?

An LEA must include the following information in its biennial evaluation report to the SEA:

1. A description of the programs and activities conducted during the two immediately preceding fiscal years;
2. A description of the progress made by LEP students in learning English and meeting challenging State

academic content and student achievement standards;

3. The number and percentage of children attaining English proficiency at the end of each school year; and
4. A description of the progress made by students in meeting challenging State academic content and student academic achievement standards for each of the two years after students are no longer receiving services.

What student data must be included in the report?

The LEA must provide an evaluation of children enrolled in a program or activity supported by Title III funds, including the percentage of children who:

1. are making progress in attaining English proficiency;
2. transitioned into classrooms not tailored to LEP children;
3. are meeting the same challenging State academic content and student academic achievement standards as all other children;
4. are not receiving waivers for the reading or language arts assessments required under section 1111(b)(3)(C) of the No Child Left Behind Act; and
5. any other information the SEA may require.

What portion of an LEA subgrant under section 3114(a) may be used for administrative expenses?

An LEA may use no more than 2% of its section 3114(a) subgrant for administrative costs.

Section 3114(b) excludes LEAs from getting an award under section 3114(a) if they qualify for less than \$10,000. May two or more LEAs apply together if they would not otherwise qualify for a subgrant?

Yes. An LEA that would not otherwise qualify for a subgrant under section 3114(a) because it does not qualify for an award of at least \$10,000 may submit a joint application with one or more other LEAs in order to qualify.

What are the requirements regarding the role of parents of LEP students?

Each LEA using Title III funds to provide a language instruction educational program must implement an effective means of outreach to parents of limited English proficient children. LEAs must inform such parents about how they can be active participants in assisting their children to learn English, achieve at high levels in core academic subjects, and meet the same challenging State academic content and student academic achievement standards as all other children are expected to meet.

How quickly must an LEA inform parents that their child has been identified for participation in a

language instruction educational program for LEP students?

An LEA must inform parents of a child identified for participation in a language instruction educational program supported by Title III no later than 30 days after the beginning of the school year. For a child who enters school after the beginning of the school year, the LEA must inform parents within two weeks of the child's placement in such a program.

What kind of information must an LEA provide to parents regarding their child's participation in a language instruction educational program?

School districts using Title III funds must inform parents of:

1. the reasons for identifying their child as being limited English proficient and for placing their child in a language instruction educational program for LEP students;
2. the child's level of English proficiency, including how the level was assessed and the status of the child's academic achievement;
3. the method of instruction that will be used in the program, including a description of other alternative programs;
4. how the program will meet the educational strengths and needs of the child;
5. how the program will help the child learn English and meet academic achievement standards;
6. the program exit requirements, including the expected rate of transition, and the expected rate of graduation from secondary school;
7. how the program will meet the objectives of an individualized education program for a child with a disability; and
8. their rights, including written guidance that:
 - (1) specifies the right that parents have to have their child immediately removed from a language instruction educational program upon their request;
 - (2) describes the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available; and
 - (3) assists parents in selecting among various programs and methods of instruction, if more than one program or method is offered.

Are any other separate notifications required?

LEAs are required to provide notice to the parents of LEP children participating in a Title III language instruction educational program of any failure of the program to make progress on the annual measurable achievement objectives described in section 3122 of Title III. This notice is to be provided no later than 30 days after this failure occurs.

What are the requirements on the format and language of the notices to parents?

The required notices previously described must be provided in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand

2. Section 41, Michigan Bilingual Education Program

Legislative Authority: Section 41 of the State School Aid Act, the State School Code (Act 289 of 1995), and the Administrative Rules approved by the State Board of Education.

Grant Type: Section 41 is a State discretionary grant accessed by eligible applicants through a non-competitive annual application.

Purpose: To support bilingual instruction for pupils of limited English-speaking ability in speaking, reading, writing, or comprehension. The instruction must be *conducted or supervised* by a teacher with a Michigan bilingual endorsement. Bilingual instruction is the use of two languages, one of which is English, as the means of instruction. Pupils may not be counted for Section 41 reimbursement or instructed in a program supported with Section 41 funds for more than three years.

Eligible Applicants: Local Public Schools, Public School Academies, and Intermediate School Districts. Private schools are not eligible for Section 41 funds.

Program Application: The application is part of the *Consolidated Application* that includes other grants administered by the Office of Field Services at the Michigan Department of Education. The completed Section 41 part of the Consolidated Application is due at the Michigan Department of Education after the Fall count date. It is available with instructions at: <http://www.mde.state.mi.us/forms/0102fs4941.pdf>

STATE SCHOOL CODE

(ACT 289 of 1995)

380.1151 English as basic language of instruction; exceptions.

Sec. 1151. (1) English shall be the basic language of instruction in the public and non public schools of this state and in state institutions.

(2) Subsection (1) shall not be construed as applying to:

(A) Religious instruction in a non public school given in a foreign language in addition to the regular course of study.

(B) a course of instruction in a foreign language in which the pupil acquired sufficient proficiency to be conversant in the foreign language.

(C) Bilingual instruction, as defined in section 1152, which will assist children of limited English-speaking ability to achieve reasonable efficiency in the English language.

380.1152 “Bilingual instruction,” “children of limited English-speaking ability,” and “in-service training” defined.

Sec. 1152. As used in section 1152 to 1158:

(a) “Bilingual instruction” means the use of 2 languages, 1 of which is English, as media of instruction for speaking, reading, writing, or comprehension. “Bilingual instruction” may include instruction in the history and culture of the country, territory, or geographic area associated with the language spoken by children of limited English-speaking ability who are enrolled in the program and in the history and culture of the United States.

(b) “Children of limited English-speaking ability” means children who have or reasonably may be expected to have difficulty performing ordinary class work in English because their native tongue is a language other than English or because they come from a home or environment where the primary language used is a language other than English.

(c) “in-service training” means short-term or part-time training for administrators, teachers, teacher aides, para-professionals, or other education personnel engaged in bilingual instruction programs for children of limited English-speaking ability.

380.1153 Bilingual instruction program; establishment and operation.

Sec. 1153. (1) The board of a school district may establish and operate a bilingual instruction program for children of limited English-speaking ability.

(2) A child of limited English-speaking ability residing in a district that does not have an appropriate bilingual instruction program or that is not required to have a bilingual instruction program may enroll in a bilingual instruction program in another school district.

(3) An intermediate school district may operate or contract for the operation of a bilingual

program or service, and may carry children enrolled in the program in membership in the same manner as a local school district and be entitled to its proportionate share of state funds available for the program. Membership shall be calculated under rules promulgated by the school board. The intermediate school board shall consider:

- (a) Whether the cost of operating an intermediate bilingual instruction - support program is justified by the number of children at each grade level who would benefit from its establishment.
 - (b) Whether alternative methods of providing a bilingual instruction - support program, such as visiting teachers or part time instruction, can be provided.
- (4) The state shall continue to fund programs of bilingual instruction described in this section at least at the level that instruction is funded in the 1995-1996 state fiscal year.

380.1155 Bilingual instruction program; notice of enrollment.

- Sec. 1155. (1) Prior to the placement of a child of limited English-speaking ability in a bilingual instruction program, the board of the local school district in which the child resided shall notify, by registered mail, the child's parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, non-technical description of the purpose, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.
- (2) The notice shall be written in English and in the native language of the child of limited English-speaking ability.
 - (3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides.

ADMINISTRATIVE RULES

STATE BOARD OF EDUCATION

IDENTIFICATION OF STUDENTS ELIGIBLE FOR BILINGUAL EDUCATION FUNDING

Filed with the Secretary of State

These rules take effect 15 days after filing for Section 41 funds with the State.

(By authority conferred on the State Board of Education by Section 15 of Act No. 287 of the Public Acts of 1964, as amended, Section 1153 of Act No. 451 of the Public Acts of 1976, as amended, and Section 9 of Act No. 94 of the Public Acts of 1979, as amended, being Section 388.1015, 380.1153, 388.1153, and 388.1609 of the Michigan Compiled Laws)

R 388.701 Definitions

Rule 1. As used in these rules:

- A) “Act” means Act No. 94 of the Public Acts of 1979, as amended, being 388.1601 et seq. of the Michigan Compiled Laws, and known as the State School Aid Act of 1979.
- B) “Department” means the Michigan Department of Education.
- C) “Home Language Survey” means a survey performed by local school officials, using a department-approved survey form, to determine those students potentially eligible to receive bilingual instruction.
- D) “Test” means a department-approved device used to measure a pupil’s oral English proficiency or a pupil’s English reading ability.

R 388.702 Home Language Survey required.

- Rule 2. (1) A school district shall perform a home language survey for the purpose of identifying enrolled students whose native language is a language other than English or whose primary language spoken in the home or environment is a language other than English.
- (2) Students identified pursuant to subrule (1) of this rule are considered potentially eligible for bilingual education funding.

R 388.703 Identifying potentially eligible students; methods.

Rule 3. To identify all students who are potentially eligible for bilingual education funding, a school district shall use either of the following methods:

- (a) Send a Home Language Survey Form to the home of every student enrolled in the school district. If the survey form is not returned within a reasonable period of time, the home shall be contacted, by telephone or home visit, to obtain the necessary information. If the school district has previously conducted a Home Language Survey of all students enrolled in the school district, the results of that survey may be used if

updated to include new and transfer students.

(b) Solicit referrals for bilingual program placement from all of the following:

- (i) Teachers
- (ii) Administrators
- (iii) Community groups
- (iv) Advisory committee
- (v) Other students
- (vi) Parents
- (vii) Other appropriate parties in the district.

R 388.704 Follow-up

Rule 4. (1) Follow-up on all surveys not returned from homes of students who have been referred for program placement shall be conducted.

(2) A Home Language Survey Form or the necessary information shall be secured.

(3) Documentary evidence of solicited referrals and follow-up shall be maintained.

R 388.705 Eligible students.

Rule 5. (1) Any of the following standards shall be used to determine the eligibility of a student for bilingual education funding:

(a) A potentially eligible student who is enrolled in grades K-2 and who has been determined eligible based on a consultation between the school district and the student's parents.

(b) A potentially eligible student who is enrolled in grades 3-12 and who scores at or below the fortieth percentile on a test of oral English language proficiency approved by the Department.

(c) A potentially eligible student who is enrolled in grades 3-12 and who scores at or below the fortieth percentile on an English reading test, or sub-test, approved by the Department.

(2) A student declared ineligible in previous years because of test results shall be considered eligible if retesting in later years produces scores at or below the fortieth percentile.

(3) A school district shall not determine eligibility on the basis of a test score more than 6 months old.

R 388.706 Receipt of funds; basis.

Rule 6. A school district shall receive funds, as appropriated by Section 41 of the Act, based upon the number of eligible students enrolled in and receiving bilingual instruction on the pupil membership count day.

R 388.707 Notification of parents or guardians of eligible students.

Rule 7. A school district shall notify the parents or guardians of eligible students before placement within a bilingual education program. The notice shall contain a simple, non-technical description of the purposes, method, and content of the program and shall inform the parents or guardians that they have the right to visit bilingual instruction classes in which their child is enrolled.

R 388.708 Withdrawal from program.

Rule 8. An eligible student becomes ineligible if a parent or guardian withdraws the student from the program.

R 388.709 List of potentially eligible students and eligible students served; compilation by school district required.

Rule 9. As part of the pupil membership count day, a school district shall compile a list of potentially eligible students and eligible students served.

R 388.710 School district application submission as voluntary; approval by Department.

Rule 10. A school district may submit an application describing the program it offers. The application shall be approved by the Department.

R 388.711 Compilation of list of eligible students by Department required; additional responsibilities.

Rule 11. (1) The Department shall compile a list of eligible bilingual students when eligibility has been verified.

(2) The Department shall also compile program information and shall allocate funds as appropriated under the Act.

ESTABLISHING A BILINGUAL EDUCATION PROGRAM

How is a bilingual program initiated?

Identification of eligible students is the first step for initiating a bilingual education program.

How are eligible students identified?

Potentially eligible students are identified using a Home Language Survey. A Home Language Survey is conducted by local school officials, using a department-approved survey form, to determine those students potentially eligible to receive bilingual instruction. The Home Language Survey questions may also be incorporated into the school enrollment form. The eligibility of those students is then determined by consultation with parents for students in grades K-2, or by scores on a test of oral English proficiency or an English reading test for students in grades 3-12. Sections 388.702 through 388.705 of the State Administrative Rules describe the identification process.

Where can the Home Language Survey be obtained?

Sample Home Language Surveys can be obtained from the Office of Field Services. The survey is available in English, Spanish, French, Italian, Arabic, and Ojibwa.

How can a district ensure that all LEP students are identified quickly and efficiently?

To ensure timely identification of all LEP students, it is recommended that the student registration form include, clearly and prominently, a question that requests the primary language spoken at home. Such information should be checked by the school principal and given to the person in charge of bilingual education.

It is recommended that school districts conduct the Home Language Survey and parent consultations or testing in the spring of the school year, so that a check for only newly-enrolled students will be necessary in the fall. A simple method to locate students during fall registration time will provide a current count of eligible students.

What is the correct way to identify the native or home language of a student?

The application for state funds for bilingual education requires the identification of the native or home language of limited English proficient students, not their nationality. The Office of Field Services has two documents which help to identify the student's native or home language. These are: *Country and Languages*; and *Language Families of the World*. The documents are available upon request.

How are students counted for eligibility under Section 41?

Districts submit their count of eligible students based on the fall count day using the MEGS system. Applicants may use the Single Record Student Database (SRSD) as a resource in completing their application..

Which tests are used to determine student eligibility?

Only nationally recognized norm-referenced tests that measure oral English proficiency or English reading skills are appropriate for determining eligibility. MEAP is not one of those tests.

Is the district required to maintain records of students who are limited English proficient?

The district must compile a list of potentially eligible students and a list of the eligible students who receive bilingual instruction. All students identified through the Home Language Survey are potentially eligible students. All potentially eligible students in grades 3 and above must be tested annually in order to verify eligibility. An eligible student is one that scored, within the previous six months, at or below the fortieth percentile on a test that measures oral English proficiency or English reading skills. Children in grades kindergarten through second grade are eligible if the parents and the school agree to their participation in the district's bilingual education program. Eligibility of students is based on criteria specified in Administrative Rule 388.705.

Does the state help school districts operate programs of instruction for students of limited English proficiency?

Yes, the state provides funds and technical assistance to school districts through the Office of Field Services.

How can the application form for state funds for bilingual education be obtained and what is the procedure for requesting funds?

Districts can apply for state bilingual education (Section 41) funds as a part of the Consolidated Application. The information required on the application form includes the number of eligible bilingual students by grade, the language spoken, the number and type of bilingual staff that will provide instruction in the child's native language and a description of the services that will be provided during the school year. Applicant districts must also provide information on tests used to identify eligible students, MEAP participation and performance, limited English proficient students retained, and students reclassified as no longer limited English proficient. The Consolidated Application form (FS 4941) can be accessed from the Michigan Department of Education website at: www.state.mi.us/meis/

OPERATING A BILINGUAL EDUCATION PROGRAM

Once the information on students of limited English proficiency has been collected and the application form for funding has been completed, how does the program become operational?

The district notifies the parents or legal guardian that their child(ren) is/are eligible to participate in the bilingual education program. The parent(s) must be notified in accordance with the law. The applicable section is quoted below.

“Section 1115. (1) Prior to the placement of a child of limited English speaking ability in a bilingual instruction program, the board of the local school district in which the child resides shall notify, by registered mail, the child’s parents or legal guardian that the child is being enrolled in a bilingual instruction program. The notice shall contain a simple, non-technical description of the purposes, method, and content of the program and shall inform the parents or guardian that they have the right to visit bilingual instruction classes in which their child is enrolled.

(2) The notice shall be written in English and in the native language of the child of limited English speaking ability.

(3) The notice shall inform the parents or guardian that they have the absolute right to refuse the placement or to withdraw their child from the program by giving written notice to the board of the local school district in which the child resides. A sample of a parent notification letter can be obtained from the Office of Field Services.”

What are the staffing requirements for bilingual programs?

Qualified instructional staff must be hired to provide bilingual instruction. According to Michigan law, all persons providing instruction at the elementary and secondary levels must hold a certificate, permit, or vocational authorization valid for the teaching assignment. Bilingual instruction must be provided by or under the direct supervision of staff who meet one of the following qualifications:

- 1) A teacher holding a valid Michigan teaching certificate with a bilingual endorsement;
- 2) A teacher holding a valid Michigan certificate without the appropriate bilingual endorsement, but who is deemed able to function in such an assignment and for whom the school district has received approval for an emergency permit; or
- 3) A teacher who may not have a valid Michigan certificate, but who is deemed able to function in such an assignment and for whom the school district has received approval for an emergency permit.

Recognizing that the demand for bilingual teachers exceeds the supply in some language categories, the Teacher Certification Code authorizes the issuance of permits upon the application of a recommending superintendent or personnel officer. When applying for a permit, the superintendent must affirm that a qualified teacher is not available for employment. Districts must make every reasonable effort to find bilingual teachers endorsed in the appropriate language(s). A full year special permit may be renewed if the person has completed 6 semester hours of satisfactory additional credit applying on the requirements.

Approval for permits will not be granted if qualified teachers are available for employment. Therefore, a district may not retain staff on permits and layoff endorsed bilingual teachers within a language classification.

Which Michigan colleges and universities offer programs that lead to a bilingual endorsement?

Several Michigan colleges and universities offer programs that lead to a bilingual endorsement. Bilingual endorsements are language specific. State approved programs by language are as follows:

Language	College or University Offering Bilingual Endorsement
Arabic	Albion College & Wayne State University
Chaldean	Wayne State University
Chinese	Wayne State University
Filipino	Wayne State University
German	Andrews University & Kalamazoo College
French	Andrews University & Kalamazoo College
Korean	Wayne State University
Ojibwe	Central Michigan University & Lake Superior State University
Spanish	Adrian College, Andrews University, Aquinas College, Calvin College, Central Michigan University, Eastern Michigan University, Kalamazoo College, Saginaw Valley State University, & Wayne State University
Vietnamese	Wayne State University

Contact the college or university directly about bilingual endorsement requirements. Teacher testing information is available from the Office of Professional Preparation Service in the Michigan Department of Education, (517) 335-3210 or on-line at http://www.michigan.gov/mde/0,1607,7-140-6530_6567---,00.html

What is the appropriate way to use bilingual paraprofessionals in bilingual programs?

Bilingual paraprofessionals who speak the student's native language may provide instruction under the direct supervision of a certified teacher with a bilingual endorsement.

What determines the best bilingual instruction for the student?

The educational needs of the limited English proficient student must be assessed. The staff hired to provide bilingual instruction will be the primary participants in the assessment of the student's educational needs. Other school staff, such as psychologists, teachers of English language arts, and teacher assistants may assist the bilingual teacher.

What is the content of instruction?

Bilingual instruction must include the student's home language and English. Both languages are necessary for the education of the student; the extent to which a language is used will depend upon the student's knowledge of that language. If the student knows only Arabic, the content in each class must be taught in the Arabic language. The student will learn in Arabic while he learns English.

What other factors have been found to be successful in the management of bilingual programs?

For bilingual programs funded in part with Section 41 funds, two other factors have been identified:

1. frequency of instruction; and
2. quality of instruction provided by teachers who are bilingual, and who have an endorsement in bilingual education.

Refugee Children School Impact Grant

The Refugee Children School Impact Grant is a federally funded program designed to assist districts in educating refugee children and youth. Eligible districts are those in which the number of refugee children and youth is at least 30; districts having fewer than 30 refugee children may form a consortium and receive funds if the total number of refugee children in the consortium is at least 30. Approximately 5,500 children and youth are served in this program.

LEAs, PSAs, and ISDs are eligible to apply for the Refugee Children School Impact Grants. Children attending private schools are served through programs operated in public schools. Applications are on a three year cycle and use paper forms. In 2004-05, the application will become electronic.

Services that may be funded include: school entry preparation; English language instructional programs; instructional and support services needed to achieve the core curriculum standards; and, partnership activities between districts and other agencies to provide assistance to refugee children and their families.